

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 10, 2004

Prepared on July 16, 2004

ITEM:

**SUBJECT: WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR THE FILICE
TIMBER HARVEST PLAN, THP NO. 1-04-115 SCR, SANTA CRUZ COUNTY
ORDER NO. R3-2004-0128**

SUMMARY: Type - Timber Harvest Plan
Size - 165 Acres
Water Courses - Three Class II Streams and Six Class III Streams
Watershed – Scott Creek
Forester - Gary Paul
Land Owner – John and Janice Filice

DISCUSSION

On April 30, 2004, Regional Board staff received a request from Gary Paul, Registered Professional Forester (RPF), for Water Quality regulation of the Filice Timber Harvest Plan (THP). The THP involves selective harvesting of 165 acres of land utilizing ground based yarding techniques. The timber harvest area is about 1.4% of the Scott Creek Watershed area. 12% percent of the watershed has been selectively harvested in the last 10 years. Cumulative impacts are reportedly due to downstream dirt roads and instream water diversions. Farming and residential development may also influence cumulative watershed effects. The erosion hazard rating for this THP is moderate with mostly moderate topography. The harvest intensity is estimated at 40 to 50 percent of conifers greater than 18 inches in diameter.

This THP contains approximately 7,500 feet of Class II watercourses and 5,000 feet of Class III watercourses (distances estimated from THP map and are not exact). There are a total of 13 watercourse crossings on this THP, including

- Existing Culverts: Eleven total. Ten existing culvert crossings (i.e., nine road and one skid trail crossings) do not require modification. One culvert crossing will be converted to a rocked dip.
- Rocked Dip: One existing rocked dip does not require modification. One culvert

crossing will be converted to a rocked dip (see “existing culverts” above).

- Humboldt Crossing: One temporary Humboldt crossing will be installed. This crossing was added during the preharvest inspection upstream of crossing “n.”

All crossings and approaches will be seeded and mulched following operations.

The forester proposes two in lieu practices for this THP. A small amount (300’ total) of existing roads and skid trails are in a WLPZ. These are on stable ground and their use will cause fewer disturbances than the construction of new roads. The second in lieu practice is to not give Class I protection to a man-made pond that contains catfish. A 50ft WLPZ is proposed for the pond with no special canopy restrictions. The forester has also indicated interest in proposing an in lieu practice for the “Channel Zone” near crossing “i.” This additional in lieu practice will be addressed in the final staff report if it is formally proposed by the forester.

Regional Board staff attended the June 15, 2004 preharvest inspection. The preharvest inspection participants included representatives of the California Department of Forestry and Fire Protection, California Geological Survey, Santa Cruz County, the forester and the property owner. The Review Team has raised no issues of concern

for the proposed project. Based on information submitted to this office and the preharvest inspection, Regional Board staff finds the THP to pose a low risk to water quality and appropriate to receive a waiver of waste discharge requirements if conducted in the manner proposed.

Conditions

The proposed project will be conducted as prescribed in Timber Harvest Plan 1-04-115 SCR with the following additional conditions.

1. The discharger must comply with all requirements of applicable water quality control plans adopted by the Central Coast Regional Water Quality Control Board and approved by the State Water Resources Control Board, and water quality control plans and policies adopted by the State Water Resources Control Board.
2. The discharger shall conduct timber harvest activities in accordance with the approved Timber Harvest Plan and with all applicable sections for the Forest Practice Rules.
3. The discharger shall not create a pollution, contamination, or nuisance, as defined by CWC Section 13050.
4. The discharger shall not discharge any waste not specifically regulated by the waivers described herein and shall not cause alteration in stream temperature which exceeds Basin Plan requirements. Waste specifically regulated under this waiver includes: earthen materials including soil, silt, sand, clay, rock; and organic materials such as slash, sawdust, or bark. Examples of waste not specifically regulated by this waiver include petroleum products, hazardous materials, or human wastes.
5. The discharger shall allow Regional Board staff reasonable access, pursuant to Public Resources Code 4604 (b), onto the affected property for the purpose of performing inspections to determine compliance with waiver conditions.

6. The discharger shall implement Monitoring & Reporting Program No. R3-2004-0128
7. This Waiver does not regulate point-source discharges that require an NPDES permit under the Clean Water Act including silvicultural point-source discharges as defined in 40CFR Chapter 1 Part 122.27.

This project, if conducted in accordance with Timber Harvest Plan 1-04-15 SCR and the conditions above will be in the public interest. This waiver is conditional and can be terminated at any time. This waiver expires on September 1, 2009.

Risk to Water Quality

This THP is considered a “low risk” to water quality. Regional Board staff considered the following when assessing the risk of this plan to water quality.

1. Steelhead and Coho salmon are known to be present downstream in the Scotts Creek watershed. The THP as proposed does not pose a significant threat to fish habitat. All of the threatened and impaired rules in the Forest Practice Rules are applicable to this THP.
2. There are no new roads or landings proposed. Two new skids trails totaling 150 feet are proposed.
3. Gary Paul has an established history of good land management.
4. The landowner lives onsite.
5. There is one landslide in the harvest area (near landing A) that has already been adequately stabilized with rock and drainage improvements.
6. Harvesting of trees within a wide channel zone area may be proposed as an in lieu practice. If so, Regional Board staff will re-inspect the site to further evaluate the risk to water quality of this in lieu practice.

7. Monitoring will be implemented in a manner such that erosion problems that might occur will be addressed as soon as practical.
8. This THP will be executed primarily during the dry season and should be completed within one harvest season.

Monitoring & Reporting

The forester will be required to implement visual monitoring of watercourses, roads, landings and skid trails. Proposed photo-point monitoring includes watercourse crossings, Class II watercourse confluences, landings, and skid trails located within the watershed and lake protection zone (WLPZ). Additional photo points will be added if an in lieu practice is proposed for the Channel Zone near Landing "i." Reporting is required on an annual basis with additional reporting when significant erosion events are observed. If a water quality impact or a violation of the THP that could lead to a water quality impact is observed, the RPF is required to report this event to the Regional Board within forty-eight (48) hours. Log books of field inspections will be maintained by Gary Paul.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The draft THP was filed with CDF on 5/27/04. At the time of this draft, CDF had not approved the proposed THP. The plan is expected to be approved on August 30, 2004. Any significant changes will require re-notification of the plan and will result in a delay in the Regional Board's consideration of the plan.

ATTACHMENTS

1. Proposed Board Resolution No. R3-2004-0128
2. Proposed Monitoring & Reporting Program R3-2004-0128
3. Timber Harvest Information Package
4. Site Plan

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